KAREN P. HEWITT
United States Attorney
JAMES P. MELENDRES
Assistant United States Attorney
California State Bar No. PENDING
United States Attorney's Office
880 Front Street, Room 6293
San Diego, California 92101-8893
619 557-6327 (Telephone)/619 235-2757 (Fax)
E-mail: James.Melendres@usdoj.gov

Attorneys for Respondent-Plaintiff
United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Respondent-Plaintiff, v. VERONICA LIVIER GUTIERREZ, Petitioner-Defendant.	Civil Case No. 07CV2228-JAH Criminal Case No. 06CR2151-JAH **UNITED STATES' EX-PARTE APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE ANSWER TO PETITION**

COMES NOW the respondent, UNITED STATES OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and James P. Melendres, Assistant United States Attorney, moves this Court for an extension of time to February 29, 2008, to show cause why Petitioner's petition for a writ of habeas corpus should not be granted.

This request is based on the files and records of this case, together with the attached declaration of James P. Melendres, Assistant United States Attorney.

DATED: December 18, 2007.

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

s/James P. Melendres
JAMES P. MELENDRES
Assistant U.S. Attorney

DECLARATION

I, JAMES P. MELENDRES, do declare as follows:

l. I am an Assistant United States Attorney for the Southern District of California responsible for the preparation of the United States' answer to Petitioner's request for writ of habeas corpus pursuant to 28 U.S.C. § 2255.

2. On November 26, 2007, an order was filed in the district court directing the United States to show cause by December 31, 2007, why Petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 should not be granted.

3. I was assigned to this case on or about December 10, 2007. In order to prepare a response to this petition, it is necessary to review the files and records of the underlying criminal case. In this regard, I am currently assembling the documents required to respond to Petitioner's motion, which include a transcript of the proceedings in which Petitioner entered her plea. This cannot be accomplished by December 31, 2007.

4. Petitioner will not suffer any prejudice by this extension.

5. I am, by the motion filed and as outlined in this declaration, hereby requesting an extension of time to file the United States' answer to the Court's order to show cause in this matter until February 29, 2008.

DATED: December 18, 2007.

s/James P. Melendres
JAMES P. MELENDRES
Assistant United States Attorney

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff-Respondent, v. VERONICA LIVIER-GUTIERREZ, Defendant-Petitioner.	Civil Case No. 07CV2228-JAH Criminal Case No. 06CR2151-JAH CERTIFICATE OF SERVICE BY MAIL

IT IS HEREBY CERTIFIED THAT:

I, P. Steward, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893. I am not a party to the above-entitled action. I hereby certify that I have caused to be mailed the foregoing, by the United States Postal Service, to the following non-ECF participants on this case:

1. Veronica Livier Gutierrez
   BOP Reg. No. 95408-198
   Federal Correctional Institution
   P.O. Box 5100
   Adelanto, California 92301

the last known address, at which place there is delivery service of mail from the United States Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 18, 2007.

s/Paula Steward
P. Steward